

Theresa Rice

From: Roz Lassoff on behalf of Council
Sent: Monday, June 18, 2012 8:25 AM
To: Theresa Rice
Subject: FW: SMP Draft

Roz Lassoff
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From: CARLTON ANDERSON [<mailto:2candy@prodigy.net>]
Sent: Monday, June 18, 2012 6:56 AM
To: Council
Cc: gary@tripp.net; Ken Sethney
Subject: Fw: SMP Draft

I am forwarding a copy of my comments of June 20, 2011 in case the new council members haven't seen it. I will only add the following general comments:

1. The proposed SMP is appallingly long and detailed, i.e. a case of micro-managing. Proper and successful regulations are concise and express clearly the intent of the regulators, leaving the details on how to achieve it to the ingenuity of individual property owners.

Otherwise, imagination is destroyed and innovation is stifled.

2. The pejorative term "nonconforming" should be completely eliminated from the text. Everyone has experienced many changes in regulations over the years and it is not common practice to declare everything "nonconforming", so why start now?

The term will lower property values, will make it difficult if not impossible to obtain loans and insurance, and will make selling difficult or impossible.

Has COBI estimated what the loss in property taxes will do to its future budgets?

Finally, the State legislature has recognized the problems and its SSB 5451 makes it clear that the term is not required.

3. The large setbacks proposed render some properties unusable and appear to be an unconstitutional taking of private property for public use.

Carlton Anderson

----- Forwarded Message -----

From: CARLTON ANDERSON <2candy@prodigy.net>

To: council@bainbridgewa.gov

Cc: REricson@bainbridge.gov; bbauer@bainbridge.gov; Ken Sethney <ken@sethney.com>; gary@tripp.net

Sent: Mon, June 20, 2011 1:03:40 PM

Subject: SMA

At the risk of repeating myself, I will again enumerate some of my problems with the proposed SMA rewrite.

Contrary to what some of the proponents of wide setbacks want, Washington law recognizes private residences as a prime use of the waterfront. My waterfront property and house, like many others on the island, is located with one boundary directly on the High Water Line. My property has a total depth of 85+ feet and part of that is bisected by a public road. There is no space for any setback, nor is it needed for any supportable purpose. A 150 ft setback would wipe out my property completely, and in my view, would represent an unconstitutional appropriation of private property.

There is no arguing with the fact that the state law recognizes water front homes as a desirable usage of the shore line. But the proponents of big setbacks and other changes to the SMA gloss this over and say we are all in this together. But the water front property owners will suffer the loss of property and loss of value. Does the togetherness include compensation for these losses?

It is also glossed over by the scientists who warn of damage to the shore line, who don't seem to understand that water front owners go to great lengths to protect their shoreline. And the scientists don't seem to tap the primary source of information for their studies. Who can give better information about what is happening to the shore line than those who, day in and day out, observe the effects of tides and storms and boat wakes? In my area, beach movements one way from a storm or tide are countered by the next push from the opposite direction with an overall average of imperceptible movement and no noticeable deterioration of the shore line over a period of decades.

Another fact is that every year during the opening of the autumn fishing season, the commercial fishermen converge hardly a cast away from my property and spread their seine nets, day and night, in what appears to be one of the prime fishing holes on the Island.

I have never seen a study which analyzes the potential effects of wide buffers. The intended purpose is advertised as habitat for wild life. But will the wild life bring diseases into the area? Will it injure children who may be playing in the area? Will it damage adjacent property? Who will maintain the setback area and at whose cost?

Concerning bulkheads, the bulkhead protecting my house and property is an integral part of the property design. To maintain this bulkhead protecting the house and property, the owner must have unfettered opportunity to carry out repairs as and when needed at the discretion of the property owner.

Properties such as mine were designed by competent and innovative engineers and builders to meet the regulations existing at the time of construction, making them legal at the time of construction. I will not accept my property being stigmatized by being labeled as "nonconforming", nor will others. Law suits can be expected if this nomenclature persists. The legislature's SSB 5451 makes it clear that this perjorative term is not required.

Carlton Anderson